

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

ANNE SMITHERS, *et al.*,

Plaintiffs,

v.

FRONTIER AIRLINES, INC., *et al.*,

Defendants.

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Case No. 1:18-cv-676

ORDER

This matter is before the Court on defendants' Motion to Dismiss (Doc. 21) dated August 20, 2018. Plaintiffs filed an Amended Complaint (Doc. 26) on August 31, 2018, within twenty-one days of defendants filing their Motion to Dismiss. Defendants responded by filing a Motion to Dismiss the First Amended Complaint (Doc. 27) on September 14, 2018, within fourteen days of plaintiffs filing their amended complaint.

Pursuant to Rule 15(a)(1)(B), Fed. R. Civ. P., plaintiffs filed their amended pleading as a matter of course. And pursuant to Rule 15(a)(3), Fed. R. Civ. P., defendants have timely responded by filing their Motion to Dismiss the Amended Complaint. Because the Amended Complaint is now the operative pleading in this case, defendants' Motion to Dismiss the original complaint must be denied as moot.

Accordingly, and for good cause,

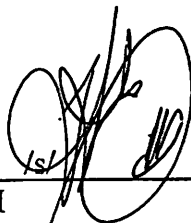
It is hereby **ORDERED** that defendants' Motion to Dismiss (Doc. 21) is **DENIED AS MOOT**.

It is further **ORDERED** that the hearing on this motion currently scheduled for Friday, October 5, 2018 at 10:00 A.M. is **CANCELLED**.

It is further **ORDERED** that the hearing on defendant's Motion to Dismiss the Amended Complaint is scheduled for 10:00 A.M. on October 26, 2018.

The Clerk is directed to provide a copy of this Order to all counsel of record.

Alexandria, VA
September 21, 2018



T. S. Ellis, III
United States District Judge